

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

10	UNITED STATES OF AMERICA,	)	Civil No. S-91-0768 JAM-JFM
11	v.	)	(Consolidated for all purposes with
12	IRON MOUNTAIN MINES, INC. and	)	Civil No. S-91-1167 JAM-JFM)
13	T.W. ARMAN,	)	
14	Defendants.	)	ORDER GRANTING PLAINTIFF
15	STATE OF CALIFORNIA, On behalf of the	)	UNITED STATES' MOTION TO
16	California Department of Toxic Substances	)	AMEND THE JULY 13, 2010 ORDER
17	Control and the California Regional Water	)	FOR PARTIAL SUMMARY
	Quality Control Board for the Central Valley	)	JUDGMENT FOR UNITED STATES'
	Region,	)	RESPONSE COSTS
18	Plaintiff,	)	
19	v.	)	
20	IRON MOUNTAIN MINES, INC. and	)	
21	T.W. ARMAN,	)	
22	Defendants.	)	
23	AND RELATED COUNTER- AND	)	
	THIRD-PARTY CLAIMS	)	

This matter comes before the Court on the United States' Motion to Amend this Court's July 13, 2010 Order (Docket 1318) granting the United States' Motion for Partial Summary Judgment for response costs it incurred in its environmental cleanup of the Iron Mountain Mine

1 Superfund Site. Upon consideration of the Motion to Amend, and of the Defendants' response  
2 thereto, it is, this 1<sup>st</sup> day of October, 2010,

3 ORDERED that the United States' Motion to Amend is GRANTED.

4 IT IS FURTHER ORDERED that the Court's July 13, 2010 Order is amended as follows.

5 1. The three sentences at page 2, line 15 through page 3, line 1 ("Costs incurred after  
6 this date to the present . . . under CERCLA (Doc. #1241).") are replaced by the  
7 following:

8 "Some later response costs, incurred after December 8, 2000, were  
9 a part of a settlement ("the settlement" or "consent decree") on that  
10 date with former defendant Rhône-Poulenc and other settling  
11 parties, but most response costs were not. Most of the response  
12 costs which were part of the settlement (and incurred after  
13 December 8, 2000) were not paid to the Plaintiffs but, instead,  
14 were paid by Rhône-Poulenc to third parties to maintain and  
15 operate a water treatment plant on the Site. Plaintiff does not  
16 presently seek recovery from Defendants for those post-February  
17 29, 1996 costs."

18 "In 2002, this Court found Defendants to each be a  
19 "potentially responsible party" for the site contamination, and  
20 found them jointly and severally liable for response costs under  
21 CERCLA (Doc. #1241)."

22 2. At page 16, line 8, the following provision is added to the order: "It is further  
23 ordered that the Defendants, T.W. Arman and Iron Mountain Mines, Inc., are  
24 jointly and severally liable to the Plaintiffs for additional response costs incurred  
25 at the Iron Mountain Superfund Site, and for prejudgment interest on those costs  
26 as provided by law, to the extent that those costs have not been, and are not being  
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paid pursuant to the December 8, 2000 Consent Decree settlement.”

IT IS SO ORDERED.

Dated: October 1, 2010

/s/ John A. Mendez

JOHN A. MENDEZ,

**UNITED STATES DISTRICT JUDGE**